

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAKEDA ALLEN-FRANCIS,

Plaintiff,

-against-

THE CITY OF NEW YORK, RIVERBAY CORPORATION,
and CO-OP CITY DEPARTMENT OF PUBLIC SAFETY,

Defendants.

**STIPULATION OF
DISCONTINUANCE AND
ORDER OF DISMISSAL
WITHOUT PREJUDICE
AS AGAINST
DEFENDANT CITY OF
NEW YORK**

14 Civ. 1738 (SAS)

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, William J. Sanyer, Esq., counsel for plaintiff Makeda Allen-Francis, and Gary Moy, Assistant Corporation Counsel, counsel for defendant City of New York, in the matter of Makeda Allen-Francis v. City of New York, Riverbay Corporation, and Co-Op City Department of Public Safety, 14-CV-1738 (SAS) (hereinafter, the "Action"), that the Action is voluntarily dismissed without prejudice only as against defendant City of New York pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), without costs, expenses, or attorneys' fees to any party, and without further proceedings.

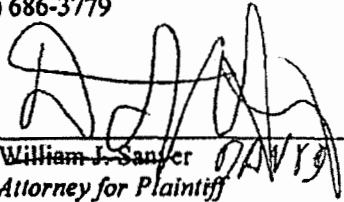
IT IS HEREBY FURTHER STIPULATED AND AGREED, that, if during the pendency of the Action, evidence reveals that the City of New York or its servants or employees were involved with the subject arrest and/or the alleged assault of plaintiff on or about July 6, 2013, plaintiff may move to reinstate the Action as against defendant City of New York. The time within which plaintiff may move to reinstate the Action against the City of New York will expire after thirty (30) days of the conclusion of the trial of the Action or within thirty (30) days of the resolution of the Action whether by dispositive motion, Order of the Court, or settlement between plaintiff and any other party to the Action.

IT IS HEREBY FURTHER STIPULATED AND AGREED, that by entering into this Stipulation and Discontinuance defendant City of New York does not waive any of the affirmative defenses plead in its Answer and expressly reserves the right to reassert those affirmative defenses should the Action be reinstated against defendant City of New York.

IT IS HEREBY FURTHER STIPULATED AND AGREED, that a or e-mailed copies of the undersigned attorneys' signatures shall have the same force and effect as the original signatures in connection with this Stipulation of Discontinuance.

David Horowitz, P.C.
Attorneys for Plaintiff
276 Fifth Avenue
New York, New York 10001
(212) 686-3779

By:

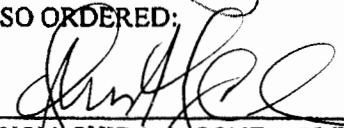

William J. Sanfer
Attorney for Plaintiff

ZACHARY W. CARTER
Corporation Counsel of the
City of New York
Attorney for Defendant City of New York
100 Church Street, Rm. 3-137
New York, New York 10007

By:


Gary Moy
Assistant Corporation Counsel

SO ORDERED:


HON. SHIRA A. SCHEINDLIN
UNITED STATES DISTRICT JUDGE

Dated: New York, New York
Sept 18, 2014